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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,975	09/10/2003	Peter R. Anderson	WMS-022	3982
36252	7590	11/02/2006	EXAMINER	
MICHAEL J. BLANKSTEIN WMS GAMING INC. 3401 N. CALIFORNIA AVE CHICAGO, IL 60618			SAVIC, BORIS	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/658,975	<b>Applicant(s)</b> ANDERSON ET AL.	
	<b>Examiner</b> Boris Savic	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/08/2004, 9/10/2003</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 10-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Gasper et al. (US 5,689,618).

Regarding claims 1 and 5, Gasper et al. disclose a random access animation user interface environment referred to as interface enabling a user to create and control animated lip-synchronized images or objects utilizing a personal computer for use in the users programs and products. Animation and sound synchronization may be produced automatically in a real-time. The general purpose system is provided for random access and display of synactor images or animation images on a frame-by-frame basis, which is organized and synchronized with sound. (See abstract) Also, referring to Fig. 10, the synactor internal data structure comprises a voice table 121, a dynamic synactor record (DAR) 125 and the synactor model block record 129. Table 121 is a variable size table comprising a list of "handles" to DAR records. Each DAR handle describes the location of a DAR pointer 123, which holds the location of a corresponding DAR. The DAR stores information concerning the current state of a synactor model while the synactor model is stored in memory. One of the data fields in the DAR is a model

handle, which holds the location of a model pointer. The model pointer points to an associated synactor model block record 129. (See col. 24, lines 10-28, Fig. 10) The RAVER driver is concerned almost exclusively with creating and editing synactor models and speech synchronization while the RAVE driver is responsive to the RECITE command to pronounce the sound and to display the animated syactor in synchrony with the audio. (See col. 26, lines 10-14)

Regards to the specific application, to a gaming apparatus, the summary of the Gasper reference (col. 2, lines 63-66) states that his invention is applicable for various environments such as in a video game system. Thus, as provided in MPEP 2122 and in re Schoenwald, in order to constitute anticipatory prior art, a reference must identically disclose the claimed compound, but no utility need be disclosed by the reference. (964 F.2d 1122, 22 USPQ2d 1671) (Fed. Cir. 1992),

Regarding claim 2, Fig. 10, (col. 23, lines 1-15) and (col. 24, lines 10-28) talk about memory structure having an association table having the marker or pointer and the event associated with the marker or pointer.

Regarding claim 3, (col. 4, lines 16-21) talk about how the syactor is transferred to a Stage screen where audio/lip synchronization and animation of the syactor can be observed. The stage screen includes a text field wherein a user can enter text and observe the synactor speak the entered text. This is the playback of the animation file. Also, the inventor claims bitmap (.BMP) file. That only describes the type of image file and it does not further modify the claim function.

Regarding claim 4, Fig. 11 talks about how exemplary speaking images are illustrated. A speaking or key image or character's mouth for each synactor speaking position is provided. That means when audio is synchronized with each syactor, it is automatically synchronized with its key image or character's mouth. (col. 34, lines 7-10)

Regarding claims 10-14, Gasper discloses the limitations as claimed as were previously addressed in reference to claims 1-5 above.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-9 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gasper et al. (US 5,689,618).

Regarding claims 6-9, Gasper discloses marker or pointer and audio sequence except for having a plurality of markers or pointers and audio sequences. It would have been obvious to utilize a plurality of markers or pointers and audio sequences for a multiplying effect and for use of more markers or pointers. One of ordinary skill in the art at the time of the invention would recognize that although the reference did not disclose a plurality of markers or pointers and audio sequences, the court held that mere duplication of parts has no patentable significance unless a new and unexpected result is produced. (See MPEP 2144.04 (VI-B) and *St. Regis Paper Co. v. Bemis Co., Inc.*, 193 USPQ 8, 11 (7<sup>th</sup> Cir. 1977)),

Regarding claims 15-18, Gasper discloses the limitations as claimed as were previously addressed in reference to claims 6-9 above.

**Conclusion**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Savic whose telephone number is (571) 272-2849. The examiner can normally be reached on Monday - Friday, 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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TC 3780